

Jailers escape criminal charges

This story was published Thursday, December 15th, 2005

By Melissa Hoyos, Herald staff writer

No criminal charges will be filed following a state investigation of sexual misconduct allegations made against two Franklin County corrections officers, the state Attorney General's Office has decided.

In a letter Tuesday to Franklin County Prosecutor Steve Lowe, Lana Weinmann of the Attorney General's Office said the state could not prove the female inmate who made the complaints had engaged in oral sex with jailer Craig Underwood in her isolation cell.

Weinmann also said charges shouldn't be filed against a second jailer, Nathan Long, who the woman claimed had told her to flash her bare breasts at Underwood and had let a male inmate into her cell.

"There is no public deterrent benefit to proceeding with prosecution, ... given the setting of the alleged act, the willing participation of (the woman) and her admitted attraction for the intended audience (Mr. Underwood), and the fact that the perpetrator, Mr. Long, admitted to his wrongdoing and immediately resigned," Weinmann wrote.

Sheriff Richard Lathim fired Underwood earlier this week because he was slow to report Long's behavior to supervisors and also lied about making comments that he had oral sex with two female inmates.

In a Wednesday phone interview, Underwood said he admitted to making "one sarcastic comment" to Long about the female inmates, but said he never had oral sex with them. He added that he apologized to the county about the comment and for not reporting Long immediately.

Underwood added the three-month investigation has been difficult for his family, and said he was happy to hear about Weinmann's decision. He plans to file an appeal with the county to try to get his job back.

"I loved working there," he said. "I loved every day I went to work."

The woman, who is not named under a Herald policy not to identify people who report a sexual assault, said she was upset with the decision not to file charges.

"I feel he was not punished," she said.

She claims she was intimidated into having oral sex with Underwood twice in August while serving a sentence for cocaine possession.

"I was afraid of what would happen to me if I told," she said.

But Lathim said an internal investigation by his department and another by the Walla Walla County Sheriff's Office show the woman's story was inconsistent; sometimes she denied any sex took place and sometimes she said it was consensual.

Those findings also were mentioned in Weinmann's report.

"When the woman was first questioned by jail personnel, ... she denied them. She later recanted and said these incidents did happen and that she was a willing participant," Weinmann wrote.

State law says jailers and inmates can't have consensual sex because an officer can affect the length of an inmate's jail term.

"(The) allegations are directly contradicted by another inmate who does not appear to have a motive to lie," Weinmann wrote. "Additionally, another inmate established (the woman's) motive to fabricate these allegations in order to file a civil lawsuit against the county."

Weinmann also said it would be an improper use of state resources to charge Long as an accomplice to indecent exposure and official misconduct.

The woman's attorney, Bob Thompson, said Weinmann's report wasn't a surprise. He said he still plans to file a damage claim against the county.

"The bottom line is things need to change at the Franklin County jail," he said.